

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BETSY JAMES GARDNER, et al.,	}	
	}	
Plaintiffs,	}	
	}	CIVIL ACTION NO.
v.	}	
	}	CV-00-AR-3181-S
SECURITY ENGINEERS, INC., et	}	
al.,	}	
	}	
Defendants.	}	

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

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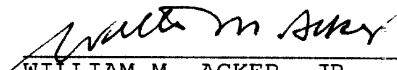
MEMORANDUM OPINION

During oral argument on Christine Whiteside's motion to reconsider, her counsel agreed to treat the procedural posture as if defendant, Donnell Hill, had filed a motion for summary judgment, inasmuch as the reasons for granting Security Engineers, Inc.'s motion for summary judgment are equally applicable to Christine Whiteside's claim against Donnell Hill. Whiteside, of course, did not concede that the court was correct, but only that if it was correct, Hill also is entitled to summary judgment. This understanding obviates any need to vacate the order of May 17, 2001, that is, when the court does not change its mind with respect to the effect of Whiteside's failure to list her purported claims and causes of action against Security Engineers, Inc. and Hill as assets in her bankruptcy proceeding, now closed. For the reasons set forth in the opinion of May 17, 2001, and because a debtor's creditors, ordinarily represented in bankruptcy by a trustee, have a right to be heard before decisions that affect their rights are

31

made, the court finds no reason to retreat from its earlier position. Therefore, there will be a separate order, denying Whiteside's motion to reconsider.

DONE this 13th day of June, 2001.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE